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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,287	10/05/2001	James E. Nelson	14144	4864

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/972,287	<b>Applicant(s)</b> NELSON ET AL.	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 7, 10, 12-14, 16, 25-28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11, 15, 17-24, 29, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2, 3</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I- Figures 1 and 2 in Paper No. 6 is acknowledged.
2. Claims 7, 10, 12-14, 16, 25-28 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cover with the mounting projections and the Z-height control tab, and the reaction housing with the skirt, as claimed in the alternate in claims 1, 11, and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for the cover having the mounting projections and the Z-height control tab, and the reaction housing with the

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skirt, as claimed in the alternate in claims 1, 11, and 15. No new matter should be entered.

***Claim Objections***

5. Claim 15 is objected to because of the following informalities: In line 3, "the" should be inserted before "perimeter". In claim 19, line 1, "engage" should be "engages". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-6, 8, 9, 11, 15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for the cover having the mounting projections and the Z-height control tab, and the reaction housing with the skirt, as claimed in the alternate in claims 1, 11, and 15. No new matter should be entered.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 6, 8 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 8 and 23, the use of the term "semi" with the term "deflectable" is unclear. It is a relative term that renders the claim indefinite. Regarding claim 6, "the reaction plate", which is recited in line 2, lacks antecedent basis in the claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 1-6, 8, 9, 11, 15, 18-24, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5,794,968.) Yamamoto et al. (Figures 4-6) teaches an airbag module including a cover (14) and a reaction housing (16, see Figure 6.) The reaction housing includes a plurality of mounting projections (83a, 83b, 84a, 84b) and an integral Z-height control tab (82a) and the cover includes a plurality of windows (53b and 54b) in a skirt (53, 54, see Figure 10.) The mounting projections engage the window and device a Z height (as seen in Figure 10) and the control tab engages the skirt and substantially maintains the height (as seen in Figure 4, the height of the bent portion of 82a is such that it allows little play in the slot 52.) Regarding claim 3 and 21, the angle is essentially 0°. Regarding claim 4 and 22, as broadly claimed, the

tip of 82a is generally perpendicular to the bottom of the slot 52a (see Figure 4.)

Regarding claim 6, the top of 82a is parallel to the reaction surface (17, see Figure 6.)

The tab extends outward from a perimeter edge of the reaction housing (top of 84, see Figure 6.) Regarding claims 9 and 24, the tab engages the skirt in a net fit (as taught in col. 5, lines 19-27, 82a fits into 52a because 52a is slightly bigger, additionally, the tab holds the skirt between itself and the bracket 19.) Regarding claims 8 and 23, as best understood, the tab is made from thin sheet metal, and as such is semi-deflectable.

Please note regarding claims 2, 20 and 32, Yamamoto teaches that the reaction housing is metal (see col. 4, line 23.) The method of forming the reaction housing (stamping) is not germane to the issue of the patentability of the device itself. Therefore this limitation has not been given patentable weight.

12. Claim 1-5, 8, 9, 11, 15, 17-24, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Krebs (EP 1 024 061 A2.) Krebs teaches an airbag module including a cover (2) and a reaction housing (1) The reaction housing includes a plurality of mounting projections (5) and an integral Z-height control tab (7) which is stamped from a shoulder of the housing and the cover includes a plurality of windows (10) in a skirt (8) The mounting projections engage the window and define a Z height (as seen in Figure 3) and the control tab engages the skirt and substantially maintains the height. Regarding claim 3 and 21, the engagement is at an angle. Regarding claim 4 and 22, as broadly claimed, the vertical edge of 7 is perpendicular to the bottom edge of the skirt. (see Figure 3.) The tab extends outward from a perimeter edge of the reaction housing. Regarding claims 9 and 24, the tab engages the skirt in a net fit

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(between elements 7 and 5. Regarding claims 8 and 23, as best understood, the tab is made from thin sheet metal, and as such is semi-deflectable (see also Figure 2.) Please note regarding claims 2, 20 and 32, Krebs teaches that the reaction housing is sheet metal (see English abstract attached.) The method of forming the reaction housing (stamping) is not germane to the issue of the patentability of the device itself. Therefore this limitation has not been given patentable weight. Regarding claims 17 and 31, the Examiner relies on the translation provided in US 6,199,899 which is of the patent family which teaches that Krebs teaches stamping the tab from a section of the shoulder (see col. 3, lines 30-33 of EP 1 024 061 A2)

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishii et al., Cuevas, Ulbrich et al., Amamori, Terasawa et al., Tajiri et al., Sasaki, Ricks et al., Shiga et al., Lang et al., Nagata et al., Rogerson, Sakurai et al., Frisch et al., Adams et al., Suzuki et al., and Igawa et al., teach air bag modules of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ruth Ilan  
Examiner  
Art Unit 3616

RI  
May 16, 2003

*Ruth Ilan*  
5/16/03